

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 1937

Nicoletta ALMIRANTE et al.

Group Art Unit: 1626

Application No.: 10/566,292

Examiner: Joseph R. KOSACK

Filed: January 27, 2006

Attorney Docket No.: 026220-00073

For: NITROOXY DERIVATIVES OF LOSARTAN, VALSARTAN, CANDESARTAN, TELMISARTAN, EPROSARTAN AND OLMESARTAN AS ANGIOTENSIN-II RECEPTOR BLOCKERS FOR THE TREATMENT OF CARDIOVASCULAR DISEASES

RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 7, 2008

Sir:

This paper is submitted in reply to the Restriction Requirement and Election of Species Requirement dated July 7, 2008, in the above-identified patent application.

In response to the Restriction Requirement, the Applicants hereby elect Group I (claims 1-14 (in part), 15-17, and 18-21 (in part)), drawn to compounds of formula I where R is formula II and R₁ is formula IIa. The Applicants reserve the right to file one or more divisional applications directed to the non-elected subject matter.

In response to the Election of Species Requirement, the Applicants provisionally elect compound (2) of Example 2 in the specification, 2-butyl-4-chloro-1-[[2'-(1H-tetrazol-5-yl)[1,1'-biphenyl]-4-yl]methyl]-1H-imidazole-5-methanol 4-nitrooxybutanoic acid ester. Applicants thank the Examiner for indicating that "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species

which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141" (Restriction Requirement and Election of Species Requirement, page 3).

In view of the Applicants' above elections, Applicants respectfully submit that the Restriction Requirement and Election of Species Requirement have been satisfied. The Applicants submit that claims 1, 2, 5-15, and 18 read on the elected Group I and the elected species. Accordingly, the Applicants respectfully request examination of the claims on the merits.

Please charge any fee deficiency or credit any overpayment with respect to this paper to Deposit Account Number 01-2300, referencing Attorney Docket Number 026220-00073.

Respectfully submitted,


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